



3. That part of defendant's Motion to Dismiss which seeks dismissal of plaintiff's *Monell* claim asserted in Count V of the First Amended Complaint against defendant City of Chester is **GRANTED**. The *Monell* claim against defendant City of Chester is **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to amend the *Monell* claim in a second amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and applicable law.

4. Defendant's Motion to Dismiss is **DENIED IN ALL OTHER RESPECTS**.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

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**DuBOIS, JAN E., J.**